

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

HOWARD LEE JUSTICE, JR.,

Plaintiff,

v.

CIVIL ACTION NO. 2:18-cv-01241

CHARLESTON AREA MEDICAL CENTER,

Defendant.

MEMORANDUM OPINION AND ORDER

Pending before the Court is Plaintiff's Complaint. (ECF No. 1.) By Standing Order filed in this case on August 18, 2018, this action was referred to United States Magistrate Judge Dwane L. Tinsley for submission of proposed findings and a recommendation for disposition ("PF&R"). (ECF No. 3.) Magistrate Judge Tinsley filed his PF&R on August 27, 2018, recommending that this Court find that Plaintiff has not stated a federal question and, thus, this Court does not have subject matter jurisdiction over Plaintiff's case pursuant to 28 U.S.C. § 1331. (ECF No. 4 at 2.)

The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and the Plaintiff's right to appeal this Court's order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). In addition, this Court need not conduct a *de novo* review when a party "makes general and conclusory objections that do not

direct the Court to a specific error in the magistrate's proposed findings and recommendations.”
Orpiano v. Johnson, 687 F.2d 44, 47 (4th Cir. 1982).

Objections to the PF&R in this case were due on December 3, 2018. To date, no objections have been filed. Accordingly, the Court **ADOPTS** the PF&R, (ECF No. 4), and **DISMISSES** Plaintiff's Complaint, (ECF No. 1), for lack of subject matter jurisdiction. The Court further **DIRECTS** the Clerk to remove this matter from the Court's docket.

IT IS SO ORDERED.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: December 12, 2018



THOMAS E. JOHNSTON, CHIEF JUDGE